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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/770,093 | 02/02/2004 | Daniel J. Miller | MS1-0631USC1 | 9988 |
| 22801 | 7590 | 12/10/2008 | | |
| LEE & HAYES, PLLC 601 W. RIVERSIDE AVENUE SUITE 1400 SPOKANE, WA 99201 | | | EXAMINER PATEL, HARESH N | |
| | | | ART UNIT 2454 | PAPER NUMBER |
| | | | MAIL DATE 12/10/2008 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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DETAILED ACTION

1. Claims 1-3, 5-10, 12-17, 19-20 are subject to examination. Claims 4, 11 and 18 are cancelled.

Allowable Subject Matter

2. Claims 8-10, 12-17, 19-20 are allowed.

3. The indicated allowability of claim 4 in the office action dated 6/26/08 is withdrawn in view of the applicant provided IDS 10/24/08 (after the office action dated 6/26/2008) reference(s) to Parson's et al., 6,310,889. Rejections based on the newly cited reference(s) follow.

Specification

4. The amendments to the disclosure dated 9/26/08 are acknowledged.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1-3, 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parry et al. 6,535,920 (Hereinafter Parry) in view of Parson's et al., 6,310,889. Note: please refer to the office action dated 6/26/2008 for the rejections. Parson supports the subject matter of claim 4.

7. Claims 1-3, 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lortz, 7047554 (Hereinafter Lortz) in view of Parson's et al., 6,310,889. Note: please refer to the office action dated 6/26/2008 for the rejections. Parson supports the subject matter of claim 4.

8. Claims 1-3, 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over by DeLeeuw, 6088018 (Hereinafter DeLeeuw) in view of Parson's et al., 6,310,889. Note: please refer to the office action dated 6/26/2008 for the rejections. Parson supports the subject matter of claim 4.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). Note: the art used under 103(a) is from the IDS dated 10/24/08, after the previous non-final office action.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner has cited particular columns and line numbers and/or paragraphs and/or sections and/or page numbers in the reference(s) as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety, as potentially teaching, all or part of the claimed invention, as well as the context of the passage, as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Haresh N. Patel/

Primary Examiner, Art Unit 2454

12/06/08